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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 002281

SIPDIS

DEPT FOR EUR/CACEN

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TAGS: [PREL](#) [PGOV](#) [TU](#) [AM](#)

SUBJECT: FM DISCUSSES TURKISH-EU ACCESSION: KOCHARIAN

RAISES CONCERNS WITH EUROPEAN LEADERS

REF: ANKARA 5781

Classified By: Amb. John M. Evans for reasons 1.4 (b) and (d).

¶11. (C) In her October 14 meeting with Armenian Foreign Minister Vartan Oskanian, Deputy Assistant Secretary Laura Kennedy emphasized the positive benefits for Armenia of a Turkey anchored in the EU. She strongly urged the GOAM avoid trying to derail or complicate the process. Oskanian's recent public comments against "premature" Turkish-EU accession talks and President Kocharian's October 12 letter to EU presidents on the issue indicate that Armenia's concerns could both complicate its relations with Turkey and unhelpfully affect the public debate on Turkish-EU accession, particularly in problematic countries such as France (where Oskanian pointedly noted the presence of a 400,000-member Armenian community). Over the course of their discussion, Oskanian gave DAS Kennedy a copy of the letter that President Robert Kocharian has just sent to all EU presidents raising Armenian concerns with the possibility of Turkish accession to the EU.

¶12. (C) Kennedy noted that the recently-adopted Turkish penal code itself does not mention Armenia but rather it is cited in a legal reasoning (reftel). She urged Armenia not to overreact to this development which appeared to take both Turkish and EU officials off guard. She was confident that efforts to remove or void such an interpretation would be successful as criminalizing free speech was inconsistent with EU (or American) norms.

¶13. (C) While she agreed that it was appropriate for Armenia to raise its concerns, she urged discretion and keeping the larger picture in mind. She also noted that issues such as Turkey's closed land border with Armenia are not part of the EU's Copenhagen criteria. That said, Turkey's bid to join the EU offered a dynamic backdrop for movement on a range of issues. The U.S., of course, urges Turkey to open its border with Armenia. She noted, however, that Turkey always cites Armenian occupation of Azerbaijan as the constraint on its ability to move on Armenia. Armenia should keep public focus at home and abroad on the positive prospects of EU accession for Turkey. Oskanian did agree on the overall benefits to Armenia of Turkey in the EU.

¶14. (C) Full text of the Kocharian letter (original in English) follows. Begin text:

Dear Mr. President,

The European Commission recommendations on the Turkish accession process forces me to write to you with two major concerns.

Let me be clear that my concerns are not borne of our own bilateral differences with Turkey. We have said from the start that a Turkey that fulfills the conditions for EU membership and is deserving of the European label should indeed be allowed to join the EU. Armenia would only welcome a neighbor which is democratic and tolerant, one whose foreign policy is indeed 'in line with the EU' and one whose membership means Armenia will border the EU.

However, your decision to begin accession talks with Turkey does, from our perspective, already bend the rules. Turkey will receive the green light for accession talks despite two major fundamental wrongs.

First, recent press coverage of Turkey's penal code focused on the sensational parts, and completely ignored the explicit rejection of tolerance and freedom of expression. Rather than encouraging democratic, free, open, public discourse on the difficult topics of Cyprus and Armenians, Article 306 of the Turkish Penal Code criminalizes expressions of support for the withdrawal of Turkish forces from Cyprus, and affirmation of the occurrence of the Armenian Genocide. To say, as the EU recommendations do, that 'As regards freedom of expression, the situation has improved significantly' is to say that the EU is willing to ignore these flagrant violations of basic freedoms.

Second, given that Turkey's borders with Armenia remain closed, we do not believe that 'Turkish foreign policy is

contributing positively to regional stability.' We do not believe Turkey's foreign policy regarding its neighboring countries is simply 'less in line' with the EU's. We want to believe it is completely in contradiction to the EU's policies of enlargement and inclusion, particularly as it affects us in the New Neighborhood.

We would not want the EU to lose its moral authority and credibility, when it, on the one hand, tells us and our neighbors to affect reforms, but on the other hand, is willing to look the other way when another of our neighbors actively maintains a contradictory, unacceptable policy.

Sincerely,

Robert Kocharian

End Text.

15. (U) DAS Kennedy has cleared this cable.
EVANS